

DRAFT
HAMPTON PLANNING BOARD – MINUTES
June 20, 2007– 7:00 PM

PRESENT: Tracy Emerick, Chair
Fran McMahon, Clerk
Jim Workman, Selectman Member
Keith Lessard
Tom Higgins
Donna Mercer, Alternate
Robert Bilodeau, Alternate
Bill Faulkner, Alternate
James Steffen, Town Planner

ABSENT: Tom Gillick
Bob Viviano

Chairman Emerick began the meeting at 7:00 PM by introducing the Board members and leading the Pledge of Allegiance to the flag.

I. WITHDRAWALS AND POSTPONEMENTS

7-35) Brian & Lisa Shea
Special Permit to Impact Wetlands Conservation District
to replace existing home at
192 North Shore Road
Map 134 Lot 12
Owner of Record: Brian & Lisa Shea

This applicant has requested continuation to the September 19th meeting of the Planning Board.

MOVED By Mr. Lessard to continue application of Brian and Lisa Shea to the September 19th meeting of the Planning Board.

SECOND By Mr. McMahon

VOTE: 7-0-0

MOTION PASSED

II. ATTENDING TO BE HEARD

7-58) Ron Boucher
Change of Use from Retail and Office to
Professional Private Cooking School at
321 Lafayette Road
Map 175 Lot 13
Owner of Record: Tinios Enterprises

Mr. Boucher presented this request. He indicated he plans to move his cooking school to the Hampton Cinema building. There is a total of 2200 square feet. Through his discussion with the Building Inspector, it was determined that this equates to a requirement of eleven parking spaces. The change of use designation goes from Article 3.5 to Article 3.22. He plans to repaint, but does not plan on any structural changes or (structural) signage changes. He will use the existing health food store signage. He will be adding a small changeable type sign. This would be 6.4 square feet of changeable type on each side of the sign. He has a letter from John Tinios designating parking spaces for this leased space.

In response to questions from the Board, Mr. Boucher indicated that during the school year he will operate from 8:30AM to 2:30 PM. He will also have “dinner parties” that will operate from 6-10 PM on weekends. The day programs are Monday through Thursday and Saturday. July and August are the slow season with no day programs. Hands on classes are limited to 12 participants. Demonstration classes can have up to 20 participants.

In response to a question from the Board, he indicated that there would be no outside cooking.

MOVED By Mr. Lessard to grant use change.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

III. CONTINUED PUBLIC HEARINGS

7-24) Tom Morganstern
2-unit Condominium Conversion at
18-20 Cutler Avenue
Map 265 Lot 44
Waiver from Subdivision Regulations Section V.E (Detailed Plan)
Owner of Record: Thomas Morganstern

Joe Coronati, Jones & Beach Engineers, presented this application. He indicated that at the April meeting it was determined that there were only two Certificates of Occupancy for the property. They have connected two of the three units with open free-flow stairs, so that the condominium conversion is for two units only.

BOARD

Mr. Lessard noted that, as of this evening, there are three mailboxes at this property. Mr. Coronati indicated that “Unit 20A” no longer exists and the mailbox for it would be removed.

There was a discussion of the floor plans with clarification of the unit designations on the three levels. There are three kitchens and dining rooms. The roof deck goes with Unit 18. There is a door at the end of the added stairs.

Mr. McMahon asked how many utility services there were to the building. Mr. Coronati did not know, but said they would remain the same as previously.

The consensus was that this plan does not appear to have changed since the previous meeting except for the addition of a set of stairs. The plans still appear to be of three units. The sense of the Board was that the door would need to be removed from the staircase and one of the kitchens would need to be removed.

PUBLIC

Jeanne Chamberland, 18 McKay Avenue, indicated that, based on her knowledge, there are three rental units and taxes are being paid on two units. The two winter rentals have left for the summer and the third unit is currently rented for the summer season. She is interested in what has been submitted for square footage. She would like assurance that the lot size indicated on the plans is no greater 4940 square feet. The Board confirmed that the lot size indicated on the plan is 4948.46 square feet.

BOARD

MOVED By Mr. Lessard to continue the Tom Morganstern application to the July 18th meeting of the Planning Board.

SECOND By Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

7-37) Ken Sakurai
Special Permit to Impact Wetlands Conservation District to
enlarge a pond, construct a barn and remove sheds at
426 High Street
Map 166 Lot 6
Owner of Record: Ken Sakurai

Joe Coronati, Jones & Beach Engineers, and Ken Sakurai, Applicant, presented this application. Mr. Sakurai indicated that the barn will not be constructed. Two of the cabins will be combined to create a storage shed.

BOARD

Mr. Lessard asked for comment from the applicant about enlarging the pond into the upland area. Mr. Coronati indicated that they have a request in to the State Wetlands Bureau to expand the pond into the wetland. He said the Conservation Commission was not convinced this was a good thing for the environment. That is why they have gone to the State.

Mr. Coronati offered to get a letter from Dr. Richardson at New Hampshire Department of Environmental Services with respect to relative value of wetlands versus a pond.

Mr. Sakurai stated they would like to get the cabins out.

PUBLIC

No comments

BOARD

Mr. Steffen said that the Building Inspector would like the cabins removed in 30 days. Mr. Sakurai said it might take him longer.

Mr. Lessard asked if a drainage study was done. It was not. The pond would gain no flood capacity and the wetland would not change in elevation. There was discussion of the behavior of a pond versus a wetland. Mr. Coronati said the existing pond is man made with no berm. Enlargement would also be just excavation.

Mr. Lessard asked about treatment of the land around the pond. A planting plan was to be done but was tabled until a response is received from the State.

Mr. Lessard asked where the storage building would be located. This was pointed out.

MOVED By Mr. Bilodeau to grant permission to remove the cabins from the wetland buffer within the next 60 days (by August 19th), subject to the conditions of the Conservation Commission as stated in their letter of May 30, 2007.

SECOND By Mr. Faulkner

VOTE: 5-1-0

MOTION PASSED

MOVED By Mr. Workman to continue the portion of the application dealing with enlarging the pond to the September 19th meeting of the Planning Board.

SECOND By Mr. Bilodeau.

VOTE: 6-0-0

MOTION PASSED

7-57) Fatima Realty Trust
Site Plan Review for 103-unit Condominium Hotel at
377 Ocean Boulevard
Map 265 Lot 20
Owner of Record: Fatima Realty Trust
Jurisdiction Accepted: June 6, 2007

Stephen Ells of Holmes & Ells, Jean Boudreau, a Principal of the Trust, Corey Colwell of Millette, Sprague and Colwell, and Ken Feyl of Cube 3 Studio, presented this application. Mr. Ells said the applicant is back to incorporate results of departmental reviews. There will be private trash removal. There will be no dumpster on site.

BOARD

Mr. Lessard asked if the sofa in the living room would be a sleeper sofa, turning the living room into a sleeping room. He asked how big Unit A1 would be. Mr. Feyl said the unit will be between 450 and 650 square feet, but the bedroom will not exceed the 320 square feet.

Chairman Emerick stated that he had a discussion with the Town attorney. A full kitchen doesn't make it a dwelling unit, because there are other criteria defining the use of the facility. If someone wants to put a full kitchen in a hotel unit, the impact fee must be paid but it does not make it a dwelling unit.

Mr. Higgins said, because of the size of the project, he would like to see the foundation work not done during the summer season. Mr. Ells said one of the original conditions of approval was that there would be no pile driving during the summer. There will be no pilings in this project. Ms. Boudreau indicated that they already have a foundation permit. She does not expect that they will be able to start before the Seafood Festival, but she would like to have the option available. Mr. Higgins said the work involved would be extensive and intensive. This will be a major disruption on Ocean Boulevard for the tourists.

Mr. McMahon noted that if work is not started this summer, it might not be done by next summer. Mr. Higgins asked that the applicant show consideration for the visitors to the beach.

Mr. Steffen noted that the Department of Public Works had asked if the Board was considering a time and performance bond. Chairman Emerick didn't feel that the Board had the authority to do that.

Mr. Higgins suggested that a condition of approval be that no construction work be done between Memorial Day and Seafood Festival of 2008.

PUBLIC

No comments

BOARD

Mr. Steffen indicated that the Department of Public Works memo would like the Board to consider a time and performance bond, to increase the escrow amount for inspections from \$5,000 to \$10,000, and to establish a bond for off-site improvements. These were the only comments from the departments.

There was discussion of the relative size of this project as compared to the previous project. The footprint is the same, but there are now 103 units as opposed to the previous 52 units. This will result in more vehicular traffic.

Mr. Higgins wanted assurance that a condition of approval will be that parking is assigned and marked.

There was additional discussion of the bond amounts.

Mr. Workman asked for clarification of the date of hearing of this application. He expressed concern that the departments did not have adequate time for review and other department comments.

Mr. Ells said the applicant would agree to a bond for off-site improvements subject to the Department of Public Works establishing a dollar amount. The applicant is agreeable to increasing the engineering inspection escrow amount to \$10,000.

Mr. Steffen read through his recommendations.

Mr. Lessard asked if Kimball Chase did the foundation design for the previous building. There will be just minor changes for this building. Mr. Higgins asked about curb cuts and sidewalks.

Mr. Steffen noted that the DES permit expires today. Mr. Ells indicated that they are in the process of updating all permits and renewing where necessary. The applicant is agreeable to incorporating all previous conditions of approval into this approval.

Mr. Higgins asked that the approval include the requirements that an office and a 24-hour emergency number be maintained. These requirements are now in the Ordinance.

MOVED By Mr. Higgins to approve site plan for a 103-unit condominium hotel at 377 Ocean Boulevard, Map 265 Lot 20, subject to the following conditions:

- There will be no foundation work between Memorial Day & Seafood Festival 2008 and 2009;
- An office and a 24-hour emergency phone number will be maintained;
- Parking will be marked and assigned;
- There will be no sleeping couches in living area.
- All conditions in the Department of Public Works memo of June 20, 2007 with the understanding that the bond amount for off-site improvements will be established by Mr. Hangen;
- All conditions in the Planner's memo of June 20, 2007.

SECOND By Mr. Mercer

Mr. Workman asked if we should extend the condition of no foundation work in future summers. Motion amended to include 2009 in the condition with respect to in-season construction.

VOTE: 6-1-0

MOTION PASSED

Mr. Workman asked about status of the existing unfinished building on the next lot. Ms Boudreau indicated they are starting on the building this week.

IV. CONSIDERATION OF MINUTES of June 6, 2007

Page 8 – Motion – add “and” between “removal” and “applicant”.

Page 11 – Motion – add “Mr. Workman commented that since the property has been sitting dormant for two years, enough time should be allowed for adequate departmental review.”

Page 13 – Top of page – add “ The applicant was asked if there was a cease and desist order in place. He indicated there is.”

- 4th paragraph – add “Mr. Higgins asked if they would limit the hours of foundation work in consideration of the neighbors.”

MOVED by Mr. Lessard to accept the minutes as amended.

SECOND by Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

III. CORRESPONDENCE

None

VII. OTHER BUSINESS

Chairman Emerick announced that the first hour of the July 18th meeting will consist of an Open Form for suggested zoning changes for the coming year. Any citizens wishing to do so may present ideas and recommendations.

MOVED by Mr. Lessard to adjourn.

SECOND by Mr. Faulkner

VOTE: 7-0-0

MOTION PASSED

Meeting adjourned at 8:19 PM.

Respectfully Submitted,
Barbara Renaud
Planning Board Secretary